

REMARKS

Applying PCT Rule 13.1, the Examiner has indicated restriction of the claims is required under 35 U.S.C. 121 and 372. The Examiner has identified three groups of claims:

- Group 1, claim(s) 1-8,15, and 56-57, drawn to a bispecific molecule comprising a domain that has specific binding to HSP and another domain that has specific binding to a BAG protein;
- Group 2, claim(s) 21, drawn to a method of treating a tumor comprising the administration of a composition of group 1;
- Group 3, claim(s) 21, drawn to a method of treating an infectious disease comprising the administration of a composition of group 2.

Applicants elect the Group 1 claims with traverse for the following reasons.

The Examiner asserts that "Lindhofer et al. (US Patent 6,994,853) in view of Takayama et al (Cancer Res. 1998 Jul 15;58(14):3116-31) in combination teach a bispecific protein that would obviate the instant invention." Applicants respectfully disagree.

Lindhofer et al. do not teach the production of bispecific molecules wherein one domain binds cell surface membrane-bound HSP protein. Similarly, Takayama et al. do not disclose that the BAG protein may be present on the cell surface membrane of a given cell. Instead, Takayama et al. teach that the BAG protein resides in the nucleus, i.e. inside the cell; see for example the abstract of Takayama et al. It would make no sense to construct a bispecific molecule comprising one binding domain which binds cell surface membrane-bound HSP protein and a second binding domain which binds intracellularly localized BAG protein. Thus combination of Lindhofer with Takayama is inoperative and destroys the intended function of the claimed invention. It would therefore not have been *prima facie* obvious to those of ordinary skill in the art to construct a bispecific molecule by substituting a BAG protein as taught by Takayama et al. into the bispecific protein of Lindhofer et al. as alleged by the Examiner at the bottom of page 2 of the Office Action.

For these reasons, the Examiner's reliance on PCT Rule 13.2 as a basis for the restriction is not appropriate and is not based on sound scientific reasoning. Applicants request that the restriction be withdrawn and the claims joined.

It is respectfully submitted that the invention as claimed fully meets all requirements and

that the claims are worthy of allowance. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, Applicant encourages the Examiner to call the undersigned collect at (608) 218-6900.

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